

Remarks / Arguments

Claims 1-4, 6-14, 16-20, and 28-35 were pending in the present application. Applicant has received the Office Action dated January 14, 2008 which:

- 1) Rejects Claims 1 and 11 and depending claims under 35 U.S.C § 112; and
- 2) Rejects Claims 1-4, 6-14, 16-20, and 28-29 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Zimmer* (US 7,051, 215) in view of Buchanan et al. U.S. Pub: 2003/0204603 (hereinafter "*Buchanan*").

Applicant notes the Examiner also rejected Claims 21-24 and 26, but these claims were canceled in the last office action.

Applicant also notes the Examiner cited US 2003/0204503 in the OA, but listed 2003/0204603 in the "list of references cited" and therefore assumes the later number is correct.

With this Response, Applicant makes no claim amendments, therefore, claims 1-4, 6-14, 16-20, and 28-35 remain pending.

Based on the remarks that follow, Applicant submits that the pending claims are in condition for allowance and respectfully request reconsideration.

I. Restriction

Claims 31-35 were withdrawn from consideration under a constructive election by the Examiner. Applicant traverses this restriction. In group I, Claims 8, 10, 18, and 20 recite aspects of a graphical user interface which allow selection of an option of installing a default image on a network device in the defined cluster. Claims 11-20 relate to software for identifying a cluster and associating a physical address of network devices in the cluster with an image for the network device.

In group II, Claims 30-35 similarly relate to software that provides a GUI for performing a selection of a defined cluster based on physical addresses and association of images with the defined cluster, as done by the software of claims 11-20. Thus, groups I and II are

related and are capable of use together. Applicant therefore requests withdrawal of the constructive election.

II. CLAIM REJECTIONS – 35 U.S.C § 112

Independent Claims 1 and 11 and associated depending claims are rejected under 35 USC 112 first paragraph as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner indicates lack of support for the limitation “a not necessarily same selected one of a plurality of images.”

Applicant respectfully asserts the concept of “a not necessarily same ... image” is fully supported in the specification. For example, in paragraph [0047] of Applicant's published specification, 2005-0256942:

[0047] Health 408 of graphical interface screen 400 also includes a second indicator reflecting image status 412 for each cluster 100. As will be described in greater detail below, an image may be associated or designated by the user for each network device 32 in chassis 38 and rack 39. Further, each network device 32 in a cluster 100 may be associated with the same image.

Similarly, in paragraph [0056]:

[0056] Although a default image may be selected for each network device 32 in the cluster 100a using graphical user interface screen 500, it may be desirable to define different images for specific network devices 32 in cluster 100a. FIG. 6 illustrates an example graphical user interface screen 600 that further allows a user to define images for cluster 100a. In particular embodiments, a user may desire to designate an image other than the default image for the network device 32 that operates as the cluster manager.

Clearly, if each network device in a cluster can be associated with a different image, or all network devices in a cluster can be associated with the same image, then the limitation “a

not necessarily same selected one of a plurality of images” is fully supported in the specification. Applicant requests withdrawal of the rejection under 35 USC 112.

III. CLAIM REJECTIONS – 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1-4, 6-14, 16-20, and 28-29 under 35 U.S.C. § 103 as being unpatentable over *Zimmer* in view of Buchanan et al.

The Examiner admits *Zimmer* does not show “associating each stored receptor physical location of the defined cluster with a not necessarily same selected one of a plurality of images”, “receiving a first selected image ...” and “receiving a second selected image ...” as recited in Claim 1 and similarly in independent Claim 11. Buchanan is cited for allegedly providing the missing teaching. However, Applicant finds no mention in Buchanan of “physical location” being associated with an “image.” The only mention of a location or address is “locate a server on the network, assign an address to the client system requesting a boot image, and to provide the boot image to the client.” (par [0004]) This address is clearly a network address and not a physical address as used in Applicant’s specification. Applicant’s “physical address” generally refers to a “rack, chassis, and receptor of the particular network device” (para [0057]), for example. Thus, Buchanan does not suggest any sort of association of images with physical addresses of a receptor for network device. Therefore independent Claims 1 and 11 are allowable over the cited references in any combination.

Dependent claims 1-4, 6-10, 12-14, 16-20, 28, and 29 and depend directly or ultimately on allowable base claims and are therefore allowable for this reason and by virtue of their further distinctive recitations. For example, Claim 6 recites: “...wherein a master image comprises a physical location identifying software that operates to configure a selected receptor.” As disclosed at paragraph [0047] and elsewhere, an image may contain a physical address (rack, slot and receptor) “that identifies software that operates to configure the network devices 32 in the particular cluster 100”. As discussed above, Buchanan does not teach or suggest the use of physical addresses. Therefore Claim 6 and similarly Claims 16, 4 and 14 are allowable over both reference in any combination.

Regarding Claims 7-10 and 17-20, Applicant finds no teaching or suggestion in Buchanan that teaches the claimed elements Examiner admits are missing in Zimmer, such as providing a message to a user, overriding a default image, and displaying messages to a user via a graphical user interface. Claims 7-10 and 17-20 are therefore allowable over both references in any combination.

IV. CONCLUSION

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. However, if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

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